

## Joint Standing Committee on Criminal Justice

**LD 266**

**An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services**

**ONTP**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| WHEELER G<br>LAWRENCE | ONTP                    |                           |

LD 266 proposed to require criminal history record checks for direct care employees and prospective employees of the Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities and entities providing services to clients of the department. The bill proposed to provide for the confidentiality of criminal history record information and access and review for the person whose record is checked. The bill proposed to require rulemaking as necessary to implement the new provision.

**LD 308**

**An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators**

**PUBLIC 788**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| MURRAY<br>THOMPSON | OTP-AM                  | S-621                     |

LD 308 was the unanimous statutory recommendations of the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, created by Joint Order, House Paper 1653, 118th Maine Legislature. The complete recommendations and background information are contained in the Select Committee's final report.

The bill proposed changes to provide for longer terms of imprisonment, longer periods of probation and the imposition of supervised release when a term of imprisonment expires for dangerous sexual offenders.

**Committee Amendment "A" (S-279)** proposed to strike sections 2 and 3 of the bill and change the history line of section 5 of the bill to account for changes made by Public Law 1999, chapter 24, sections 2 and 3. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 308 was recommitted to committee and carried over to the Second Regular Session of the 119th Legislature.

**Committee Amendment "B" (S-621)** proposed to make technical changes to the bill that reflect changes that were made to certain sections of law by Public Law 1999, chapter 24 as proposed in Committee Amendment "A" (S-279). The amendment also proposed to add a fiscal note to the bill.

### ***Enacted law summary***

Public Law 1999, chapter 788 comprises the unanimous statutory recommendations of the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, created by Joint Order, House Paper 1653, 118th Maine Legislature. The complete recommendations and background information are contained in the Select Committee's final report.

Public Law 1999, chapter 788 makes a number of changes to the current punishment provisions in the Maine Criminal Code, Part III in an effort to allow courts to deal more effectively with the dangerous sexual offender. These changes provide for longer terms of imprisonment, longer periods of probation and the imposition of supervised release when a term of imprisonment expires.

Public Law 1999, chapter 788 defines what is meant by "dangerous sexual offender." The definition targets those sexual offenders who commit a new gross sexual assault under the Maine Revised Statutes, Title 17-A, section 253 after having been previously convicted and sentenced for a serious sexual assault. Because prior intervention of the criminal justice system has failed to deter the offender and because the offender's own repetitive criminal behavior currently serves as the most accurate indicator of future dangerousness, the new sentencing options are consistent with the "just deserts" philosophy of the Maine Criminal Code and serve primarily to enhance public safety through restraint and post-release management. Public Law 1999, chapter 788 makes 4 changes respecting punishment for the dangerous sexual offender.

First, Title 17-A, section 1252, subsection 4-B removes the current ceiling for terms of imprisonment for the "dangerous sexual offender." A court is authorized to impose a straight term of imprisonment or a split term of imprisonment of "any term of years."

Second, Title 17-A, section 1202, subsection 1-A removes the current probation period caps for the "dangerous sexual offender." A court is authorized to impose a period of probation of "any term of years."

Third, Title 17-A, chapter 50 proposes a new post-release mechanism identified as "supervised release." Supervised release is used in conjunction with the imposition of a straight term of imprisonment and is modeled to some degree upon federal law regarding supervised release (see 18 U.S.C. §3583). A term of supervised release of "any term of years" may be imposed by a court at the time of imposing a straight term of imprisonment. Sanctioning for a violation of a supervised release operates like sanctioning for a violation of probation. As with probation, the sanction imposed upon revocation is intended to sanction the violator for failing to abide by the court-ordered conditions. Even in the context of new criminal conduct, the violator is sanctioned for the breach of trust, leaving the actual punishment for any new underlying criminal conduct to the court ultimately responsible for imposing punishment for that new crime.

Fourth, Title 17-A, section 1203, subsection 1 is replaced with subsection 1-A to allow a court to revoke probation if, during the initial unsuspended portion of the term of imprisonment, a person sentenced as a "dangerous sexual offender" refuses to actively participate in a sex offender treatment program, in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections. By virtue of new Title 17-A, section 1233, supervised release may be revoked by a court before the completion of the straight term of imprisonment.

Finally, Public Law 1999, chapter 788 provides for the inclusion of a period of supervised release after imprisonment for any person convicted of a Title 17-A, section 253 offense. Unlike the dangerous sexual offender group, however, the length of the period authorized depends upon the class of the gross sexual

assault for which the person is convicted (up to 10 years for a Class A section 253 violation and up to 6 years for a Class B or Class C section 253 violation). Additionally, as is true of the dangerous sexual offender group, the time of additional imprisonment to serve may equal all or part of the period of supervised release with no credit being given for any time actually served on supervised release, but may not exceed 1/3 of the straight term of imprisonment imposed.

**LD 353**

**An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE              | ONTP      MAJ           |                           |
|                   | OTP-AM    MIN           |                           |

LD 353 proposed to eliminate employees of or applicants for employment with law enforcement agencies from the list of exceptions for which employers may request polygraph tests. The bill proposed to specify that only law enforcement officers or applicants for employment as law enforcement officers may be asked to undergo polygraph tests.

**Committee Amendment "A" (H-819)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that only the following employees or applicants for employment with a law enforcement agency may be polygraphed: a law enforcement officer, police communications operator, transport officer, motor carrier inspector, criminal intelligence analyst, court officer or forensic laboratory employee. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 354**

**An Act to Establish Certain Crimes of Domestic Violence**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE              | ONTP      MAJ           |                           |
| DOUGLASS          | OTP-AM    MIN           |                           |

LD 354 proposed to create 2 new offenses in the criminal code: domestic violence assault for assault against a family member and domestic violence terrorizing for terrorizing a family member. As proposed, both of these new offenses would be Class D crimes, except in cases of assault by a person 18 years of age or older against a person under 6 years of age, which would be a Class C crime. As proposed, both of these new offenses would require a judge, not a bail commissioner to set bail.

**Committee Amendment "A" (H-951)** was the minority report of the Joint Standing Committee on Criminal Justice, and it proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 454****An Act to Expand the Warrantless Arrest Law and to Establish the Crime of Obstructing the Report of a Crime or Injury****PUBLIC 644**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE<br>DOUGLASS  | OTP-AM                  | H-921                     |

LD 454 proposed to make it a Class D crime for a person committing a crime involving domestic abuse to cause a telephone to be inoperable during the commission of that abuse.

**Committee Amendment "A" (H-921)** proposed to replace the bill and change the title. The amendment proposed to expand the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. The amendment also proposed to create the Class D crime of obstructing the report of a crime or injury. As proposed, a person would be guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider. The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1999, chapter 644 expands the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. Public Law 1999, chapter 644 also creates the Class D crime of obstructing the report of a crime or injury. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.

**LD 474****An Act Relating to the Crime of Murder and to the Murder of Children****PUBLIC 536**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| PENDLETON<br>AHEARNE | OTP-AM                  | S-511                     |

LD 474 proposed to create a fourth alternative of murder. The bill proposed to make an assault of a child 4 years of age or younger that results in the child's death punishable as murder.

**Committee Amendment "A" (S-511)** proposed to replace the bill. The amendment proposed to require that in the first step of the sentencing process to determine the base sentence for a person convicted of

murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child, the court assign special weight to the objective fact that the victim had not in fact attained 6 years of age. The amendment also proposed to require that the court, in the 2nd step of the sentencing process for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years or the 2nd and final step of the sentencing process for murder of a child who had not in fact attained the age of 6 years, assign special weight to any subjective victim impact. Finally, the amendment proposed to require that, in determining the final sentence for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years, the court may not suspend that portion of the sentence that is based on the objective or subjective victim impact as determined in steps one and 2 of the sentencing process. The amendment proposed to specify that these new directives to the court may not be construed to restrict the court in setting the term of imprisonment from considering the age of the victim in other circumstances when relevant.

#### ***Enacted law summary***

Public Law 1999, chapter 536 requires that in the first step of the sentencing process to determine the base sentence for a person convicted of murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child, the court assign special weight to the objective fact that the victim had not in fact attained 6 years of age. Public Law 1999, chapter 536 also requires that the court, in the 2nd step of the sentencing process for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years or the 2nd and final step of the sentencing process for murder of a child who had not in fact attained the age of 6 years, assign special weight to any subjective victim impact. Finally, Public Law 1999, chapter 536 requires that, in determining the final sentence for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years, the court may not suspend that portion of the sentence that is based on the objective or subjective victim impact as determined in steps one and 2 of the sentencing process. These new directives to the court may not be construed to restrict the court in setting the term of imprisonment from considering the age of the victim in other circumstances when relevant.

**LD 546**

### **An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy**

**PUBLIC 682**

Sponsor(s)  
PIEH  
PINGREE

Committee Report  
OTP-AM

Amendments Adopted  
H-1016

LD 546 proposed to exempt harbor masters and municipal shellfish conservation wardens from the preservice law enforcement training at the Maine Criminal Justice Academy.

**Committee Amendment "A" (H-1016)** proposed to replace the bill. The amendment proposed to clarify that municipal shellfish conservation wardens and harbor masters are exempt from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. The amendment proposed that, in addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E. The amendment also

proposed to make changes to Titles 12 and 38 so that they reflect the amendments to the law enforcement training laws.

***Enacted law summary***

Public Law 1999, chapter 682 exempts municipal shellfish conservation wardens and harbor masters from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. In addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E.

**LD 629**

**Resolve, to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems**

**RESOLVE 123  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BAKER             | OTP-AM                  | H-851                     |
| MURRAY            |                         | S-743 MICHAUD             |

LD 629 proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse treatment program for juveniles. The bill proposed that the program include uniform clinical assessment of juveniles to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the juvenile and the juvenile's family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. The bill proposed to require the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The bill proposed that the proposal include funding for at least 9 Regional Treatment Alternative to Street Crime Substance Abuse Managers who must be contracted with community treatment agencies. The bill also proposed to require that the proposal include a plan to make annual reports to the Joint Standing Committee on Criminal Justice regarding the progress of juvenile substance abuse treatment programs.

**Committee Amendment "A" (H-851)** proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop and implement a comprehensive substance abuse treatment program for juveniles committed to the Department of Corrections' custody. The amendment proposed that the program include screening, assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted capacity expansion program and 5 juvenile drug treatment courts. The amendment proposed that the program facilitate participation of the juvenile and the juvenile's family and provide a system to monitor treatment progress and completion.

The amendment also proposed to require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse report annually by March 1st their progress in implementing and funding the comprehensive substance abuse treatment program to the joint standing committee of the Legislature having jurisdiction over juvenile justice issues.

The amendment also proposed to add a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-743)** proposed to replace Committee Amendment "A" (H-851). The amendment proposed to change the bill to a resolve and incorporate the treatment program requirements in Committee Amendment "A" (H-851) and require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services submit a proposal that includes annual reports to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters. The amendment also proposed to remove direct references to funding in the fiscal note.

***Enacted law summary***

Resolve 1999, chapter 123 directs the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop a comprehensive substance abuse treatment program for juveniles. The program must include uniform clinical assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted expansion program and 5 juvenile drug treatment courts. The program also must facilitate participation of the juvenile and the juvenile's family, provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

Resolve 1999, chapter 123 requires the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program for juveniles to the joint standing committee having jurisdiction over juvenile justice matters by December 6, 2000. The proposal must include a plan to make annual reports to the joint standing committee having jurisdiction over juvenile justice matters regarding the progress of juvenile substance abuse treatment programs.

Resolve 1999, chapter 123 was finally passed as an emergency measure effective May 8, 2000.

**LD 637**

**An Act to Amend the Law Enforcement Officer Certification Standards**

**PUBLIC 630**

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| MURRAY<br>MCALEVEY | OTP-AM                  | S-578                     |

LD 637 proposed to delete references to training standards for part-time and full-time law enforcement officers approved by the Board of Trustees of the Maine Criminal Justice Academy. This bill proposed to require levels of certification to be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance rather than full-time or part-time employment.

The bill proposed to implement in statute the proposed training and certification requirements in LD 2628, Resolve, Regarding Legislative Review of Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy.

**Committee Amendment "A" (S-578)** proposed to replace the bill. The amendment proposed to repeal the provision that required the Board of Trustees of the Maine Criminal Justice Academy to adopt major substantive rules identifying the permissible duties of part-time law enforcement officers. In LD 2628, Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy, the board conditionally adopted a rule regarding part-time law enforcement officers, but the Joint Standing Committee on Criminal Justice did not authorize adoption of the rule.

***Enacted law summary***

Public Law 1999, chapter 630 repeals the provision that required the Board of Trustees of the Maine Criminal Justice Academy to adopt major substantive rules identifying the permissible duties of part-time law enforcement officers. In LD 2628, Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy, the board conditionally adopted a rule regarding part-time law enforcement officers, but the Joint Standing Committee on Criminal Justice did not authorize adoption of the rule. See Resolve 1999, chapter 103.

**LD 678**

**An Act to Require Completion of an Ambulance Operator Course**

**PUBLIC 764**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BULL<br>KONTOS    | OTP-AM                  | H-1173 TOWNSEND<br>H-888  |

LD 678 proposed to require a person who routinely operates an ambulance to complete an ambulance operator course beginning January 1, 2002.

**Committee Amendment "A" (H-888)** proposed to replace the bill. The amendment proposed to require that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. The amendment proposed that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Medical Services' Board for reimbursement for the cost of the course.

The amendment also proposed to add an appropriation section and a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-1173)** proposed to direct the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The amendment proposed that the committee may introduce legislation following receipt of the study. The amendment also proposed to replace the appropriation with a one-time appropriation of funds for a consultant for the pilot project.



**Senate Amendment "A" to Committee Amendment "A" (S-744)** proposed to implement the same provisions as House Amendment "A" to Committee Amendment "A" (H-1173). This amendment was not adopted.

***Enacted law summary***

Public Law 1999, chapter 764 requires that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. Public Law 1999, chapter 764 specifies that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Services' Board for reimbursement for the cost of the course.

Public Law 1999, chapter 764 directs the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The committee may introduce legislation following receipt of the report. Public Law 1999, chapter 764 creates a one-time appropriation of funds for a consultant for the pilot project.

**LD 903**

**An Act to Amend the Concealed Weapons Permit Laws**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WHEELER E         | ONTP                    |                           |

LD 903 proposed to make the following changes to the chapter regarding permits to carry concealed firearms:

1. Specify that the only issuing authorities for permits are a full-time chief of police for legal residents of a municipality and the Chief of the State Police for all others;
2. Clarify that an issuing authority verify information about an applicant and ensure all criteria are satisfied before issuing a permit to an applicant;
3. Require an applicant for a permit to be at least 21 years of age;
4. Require an applicant for a permit to be photographed and for any permit issued to include that photograph;
5. Require an applicant for a permit to submit to a criminal history record check;
6. Repeal the provisions regarding permit renewals;
7. Increase the permit fee to \$45 for legal residents and private investigators licensed in the State and \$75 for nonresidents;

8. Clarify that the Attorney General shall develop all forms for the Chief of the State Police and forms for police chiefs that are necessary for the permitting process and that those issuing authorities shall provide and use only those forms;
9. Lengthen the term of a permit from 4 years to 5 years; and
10. Clarify that a person may not carry a concealed firearm without having the permit in that permit holder's immediate possession and that the permit holder may not fail to display the permit holder's permit to a law enforcement officer upon that officer's demand. As proposed, a person who violated these provisions would commit a civil violation.

**LD 1095                      An Act to Expand the Geographic Availability of the Supervised Community Confinement Program                      ONTP**

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|-----------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>SIROIS | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|-----------------------------|---------------------------------|---------------------------|

LD 1095 proposed to require that the Commissioner of Corrections ensure that the supervised community confinement program is operational in all geographic regions of the State.

**LD 1202                      An Act to Ensure Just Sentences                      ONTP**

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|----------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>MILLS | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|----------------------------|---------------------------------|---------------------------|

LD 1202 proposed to amend the mandatory minimum sentence for the crime of murder to accommodate the substantial reduction in earned good time and meritorious good time effective October 1, 1995. The 1995 amendment required that the parties and the sentencing courts adjust their sentencing recommendations and practices to accommodate the increase in the actual period of incarceration resulting from the significant decrease in good time. In the case of 25-year minimum sentences, such an adjustment is not possible. This bill proposed to partially address this inequity by reducing the minimum mandatory sentence to 20 years.

Secondly, this bill proposed to provide a "safety valve" for sentencing courts in cases where a mandatory minimum sentence would result in substantial injustice and a frustration of the general purposes of sentencing as outlined in the Maine Criminal Code. The bill proposed to allow the court to take into consideration documented evidence of severe hardship to the offender as well as the wishes of the victim.

Finally, this bill proposed to remove mandatory minimum sentences for the crime of aggravated trafficking or furnishing scheduled drugs.

**LD 1280****An Act to Provide Funding for School Drug Awareness and Education Programs****ONTP**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| AHEARNE<br>PENDLETON | ONTP                    |                           |

LD 1280 proposed to establish the Drug Awareness and Education for Schools Fund. As proposed, the fund would have been a nonlapsing interest-bearing account. The bill proposed that ten percent of all fines paid for violations of the Maine Revised Statutes, Title 17-A, chapter 45 be deposited into the fund and be used to support school programs for drug awareness and education, including the DARE program.

**LD 1369****An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services****ONTP**

| <u>Sponsor(s)</u>     | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| TOWNSEND<br>PENDLETON | ONTP                    |                           |

LD 1369 proposed to amend current law to transfer responsibility for the Maine Youth Center and the Northern Maine Regional Juvenile Detention Facility from the Department of Corrections to the Department of Human Services. The bill proposed to retain the current structure of the facilities and their relationships with the other departments and with the federal Department of Justice.

**LD 1583****An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification****ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| O'BRIEN J         | ONTP                    |                           |

LD 1583 proposed to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor. For purposes of registration and notification, the bill also proposed to require county sheriffs to notify the Department of Public Safety, State Bureau of Identification when a sex offender is released from a county jail.

**LD 1803****An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse****ONTP**

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|-------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>CATHCART | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
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LD 1803 proposed to require probation officers to arrest and bring a motion to revoke the probation of a person who, while on probation, commits a criminal violation of a protection from abuse order issued against that person. The bill also proposed to require the court to revoke probation if the court found by a preponderance of the evidence that the person committed the crime.

**LD 1858****An Act to Amend the Possession of Firearms by Felons****ONTP**

|                                      |                                 |                           |
|--------------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>JABAR<br>RUHLIN | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
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LD 1858 proposed to prohibit the use, possession and control of a firearm by a person convicted of certain Class D or Class E crimes involving domestic violence. As proposed, the prohibition would last until the person served the sentence resulting from the conviction.

The bill proposed that a crime of domestic violence is defined as a crime in which:

1. The person used or attempted to use physical force, or threatened to use a deadly weapon; and
2. The person and the victim have or had a family-like relationship. Specifically, the person committing the crime must be a current or former spouse, parent or guardian of the victim; a person with whom the victim has a child; or a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian or has a similar relationship.

In addition, the bill proposed that the person who was convicted must have had the assistance of counsel in the proceeding or must have knowingly and intelligently waived the assistance of counsel. The bill proposed that if the person had a right to a jury trial for the domestic violence prosecution, then the case must have been tried by a jury or the person must have knowingly and intelligently waived the right to a trial by jury.

**LD 1899****Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees****ONTP**

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|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>BUMPS<br>PENDLETON | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 1899 proposed to require that the Department of Public Safety, within its existing resources, study current measures affecting the safety of state employees and report to the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on State and Local Government not later than February 1, 2000. The bill proposed that the committees could report out legislation regarding this study.

**LD 1933**

**An Act to Promote Sharing of Information Between Schools and  
Criminal Justice Agencies**

**PUBLIC 595**

| <u>Sponsor(s)</u> | <u>Committee Report</u>        | <u>Amendments Adopted</u> |
|-------------------|--------------------------------|---------------------------|
| HARRIMAN          | OTP-AM    MAJ<br>OTP-AM    MIN | S-522                     |

LD 1933 proposed to allow a juvenile's school to distribute information about an adjudicated juvenile to the court and a criminal justice agency under certain conditions. As proposed, the information would remain confidential and could not be further distributed. The authority for this sharing of information is found under FERPA (Federal Education Rights and Privacy Act). FERPA allows schools to distribute information if: 1) a state has enabling legislation that authorizes the distribution; 2) the distribution is to help serve the rehabilitation needs of a juvenile; 3) the information is distributed to a criminal justice agency; and 4) there are specific written guidelines in place governing the process. Currently, the information the bill seeks to allow to be shared may be released from schools to criminal justice agencies if parents consent to the release. Prosecutors may also subpoena these records.

**Committee Amendment "A" (S-522)** proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to authorize schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The amendment proposed that the education records be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. The amendment proposed that education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The amendment proposed that the persons to whom the education records are disseminated certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

**Committee Amendment "B" (S-523)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a 16-member study commission to review the current laws and processes for sharing information about juveniles; to identify the information needs of agencies with respect to their ability to provide for the health and welfare of juveniles, including the creation and maintenance of individualized plans to ensure the success and the rehabilitation of juveniles; and to make necessary recommendations to propose changes to the current laws and processes regarding the sharing of information among schools, criminal justice agencies and other agencies responsible for the health and welfare of juveniles. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by November 1, 2000. The amendment also proposed to add a fiscal note. This amendment was not adopted.

### ***Enacted law summary***

Public Law 1999, chapter 595 authorizes schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The education records may be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. Education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

|                |  |             |
|----------------|--|-------------|
| <b>LD 2069</b> | <b>An Act to Establish a Critical Incident Review Panel Regarding<br/>Physical Force Used by Officers Causing Serious Bodily Injury or<br/>Death to Another Person</b> | <b>ONTP</b> |
|----------------|--|-------------|

|                                 |                                 |                           |
|---------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>LAVERDIERE | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---------------------------------|---------------------------------|---------------------------|

LD 2069 proposed to require that any investigation conducted by the Attorney General or a law enforcement agency of any incident in which a law enforcement officer used physical force in performing that officer's duties that resulted in serious bodily injury or death to another person be completed within 30 days.

The bill also proposed to establish a critical incident review panel to review the use of physical force by law enforcement or corrections officers that results in serious bodily injury or death to another person.

|                |   |                                 |
|----------------|---|---------------------------------|
| <b>LD 2174</b> | <b>An Act to Protect the Citizens of Maine from the Dangers of<br/>Counterfeit Consumer Goods</b> | <b>PUBLIC 767<br/>EMERGENCY</b> |
|----------------|---|---------------------------------|

|   |                                   |   |
|---|-----------------------------------|---|
| <u>Sponsor(s)</u><br>KILKELLY<br>FISHER | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>S-612<br>S-781 MICHAUD |
|---|-----------------------------------|---|

LD 2174 proposed that a person who may be prosecuted under Title 17-A, §705 and under Title 17-A, §705-A, a new crime “trademark counterfeiting,” must be prosecuted under §705-A. LD 2174 proposed that a person is guilty of trademark counterfeiting if that person willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute an item or services bearing or identified by a counterfeit mark. LD 2174 proposed that a person having possession, custody or control of more than 25 items bearing a counterfeit mark is presumed to possess those items with intent to sell or distribute.

LD 2174 proposed that an item bearing a counterfeit mark or used in connection with a violation of this section must be seized by a law enforcement officer.

**Committee Amendment "A" (S-612)** proposed to replace the bill. The amendment proposed to amend provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. The amendment proposed to specify that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

This amendment proposed to add to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

The amendment proposed to establish the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels. The amendment proposed that the commission's duties include examining the effect of counterfeit goods in this State, including the effect of counterfeit Universal Price Code labels on state revenue, losses to merchants and manufacturers of legitimate goods and the impact on consumers; examining the sale of consumer products at unused property sales and flea markets, including whether these sales are authorized and the potentially harmful consequences of the sale of these products; and examining whether current state law acts as an appropriate deterrent or imposes sufficient sanctions for such conduct. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by December 1, 2000.

This amendment also proposed to add an appropriation and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-781)** proposed to remove the language establishing the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels and the appropriation for that commission.

#### ***Enacted law summary***

Public Law 1999, chapter 767 amends provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. Public Law 1999, chapter 767 specifies that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

Public Law 1999, chapter 767 adds to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

Public Law 1999, chapter 767 was enacted as an emergency measure effective May 8, 2000.

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| COLWELL           | OTP-AM                  | H-945<br>H-980 POVICH     |

LD 2196 proposed to establish the Central Maine Regional Public Safety Communication Center to provide emergency communication services to participating state, county and municipal entities. The bill proposed to establish a governing council and a board of directors to establish policy and to provide administrative oversight.

**Committee Amendment "A" (H-945)** proposed to replace the bill. The amendment proposed to establish the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities in the central Maine region. The amendment proposed that the following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

The amendment proposed to establish the center as a body corporate and politic with a governing council and a board of directors to establish policy and to provide administrative oversight.

The amendment also proposed to add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-980)** proposed to remove the requirement that the Board of Directors of the Central Maine Regional Public Safety Communication Center approve job descriptions for staff of the center. The amendment proposed to remove language governing employees of the center and provide that the initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. The amendment proposed that the rights and obligations of any municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by the creation of the center. The amendment also proposed to require the center to bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

#### ***Enacted law summary***

Private and Special Law 1999, chapter 85 establishes the Central Maine Regional Public Safety Communication Center to provide the governmental function of emergency communication services to participating state, county and municipal entities in the central Maine region. The following agencies and municipalities may participate in the establishment of the center: the Maine State Police, the Kennebec County Sheriff's office and the municipalities of Gardiner, Augusta, Waterville, Winslow and Oakland.

Private and Special Law 1999, chapter 85 establishes the center as a body corporate and politic with a governing council and a board of directors to establish policy and to provide administrative oversight.

Private and Special Law 1999, chapter 85 also provides that the initial staff of the center must be selected from within the pool of current dispatch employees employed by any municipality or agency that joins the center. Private and Special Law 1999, chapter 85 also provides that the rights and obligations of any



municipality or agency that joins the center that arise out of an existing collective bargaining agreement to which it is a party may not be abrogated by the creation of the center and requires the center to bargain with any local union selected by the employees that is entitled to recognition as the collective bargaining agent.

Private and Special Law 1999, chapter 85 specifies that the Central Maine Regional Public Safety Communication Center takes effect only when 2 or more eligible municipalities or agencies agree to participate.

**LD 2315**

**An Act to Amend the Department of Corrections Statutes**

**PUBLIC 583**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MURRAY            | OTP-AM                  | S-512                     |

LD 2315 proposed to change the Department of Corrections laws to reflect restructuring of the department facilities.

**Committee Amendment "A" (S-512)** proposed to eliminate an outdated provision, whose subject matter is covered comprehensively in the Maine Revised Statutes, Title 30-A, section 1656. The amendment proposed to clarify the relationship between the Department of Corrections confidentiality statute and other confidentiality provisions. The amendment proposed to provide for consistency of references to juvenile correctional facilities.

This amendment proposed to incorporate recommended reporting requirements by the Department of Corrections pursuant to the report of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services, pursuant to Resolve 1997, chapter 124.

The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 583 amends the Department of Corrections laws to reflect institutional restructuring. Public Law 1999, chapter 583 clarifies the relationship between the Department of Corrections confidentiality statute and other confidentiality provisions in law and incorporates Department of Corrections reporting requirements that were part of the recommendations of the Study Group to Review Procedures and Consider Improvements in Juvenile and Adult Probation Services, pursuant to Resolve 1997, chapter 124.

**LD 2362**

**An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty**

**DIED ON  
ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| AMERO             | OTP-AM                  | H-1002 POVICH<br>S-579    |

LD 2362 proposed to establish a state death benefit of \$50,000 for state police officers killed in the line of duty. The bill proposed to designate to whom the benefit is paid and in what proportion and would allow for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the slain state police officer. As proposed, a benefit paid under this section would not be subject to execution or attachment. If the state police officer received or the officer's estate received a disability payment from the Maine State Retirement System, the death benefit would not be payable. The bill proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the bill.

**Committee Amendment "A" (S-579)** proposed to replace the bill. The amendment proposed to establish a state death benefit of \$50,000 for law enforcement officers killed in the line of duty, payable by the Chief of the State Police. As proposed, the amendment designates to whom the benefit is paid and in what proportion and allows for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the law enforcement officer. A benefit paid under the Maine Revised Statutes, Title 25, section 1612 would not be subject to execution or attachment, nor could it be used to reduce any accidental death benefit amount payable under the Maine State Retirement System. The amendment proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the amendment. The amendment also proposed to add an appropriation section and a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-1002)** proposed to clarify that the death benefits may be paid when the officer dies while in the line of duty.

**LD 2406**

**An Act to Amend the Felony-operating-under-the-influence Laws**

**PUBLIC 703**

|                   |                         |                           |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| JABAR             | OTP-AM                  | H-810                     |

LD 2406 proposed to make it a Class C crime to operate a motor vehicle under the influence if a person previously has been convicted of a Class C OUI within the 10 years prior to the violation.

Under current law, it is a Class D crime if a person operates a motor vehicle under the influence of intoxicants or with a blood-alcohol level of .08% or more, unless that person causes serious bodily injury or death to another person, in which case it is a Class C crime.

**Committee Amendment "A" (H-810)** proposed to replace the title and replace the bill. The amendment proposed to make it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

The amendment also proposed to add a fiscal note.

#### ***Enacted law summary***

Public Law 1999, chapter 703 makes it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or

resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

**LD 2421**

**An Act to Combat Domestic Violence**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MURPHY T<br>LIBBY | ONTP                    |                           |

LD 2421 proposed to establish the crime of domestic destruction. The bill proposed that a person is guilty of domestic destruction if that person intentionally, knowingly or recklessly damages or destroys property in a dwelling place while a family or household member is present in that dwelling place. As proposed, domestic destruction was a Class E crime except that if a family or household member present had not attained 16 years of age it was a Class D crime. The bill also proposed to add domestic destruction to the list of offenses for which a law enforcement officer may make a warrantless arrest.

**LD 2432**

**An Act to Provide Additional Options for Services to Troubled Teens**

**ONTP**

| <u>Sponsor(s)</u>         | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------|-------------------------|---------------------------|
| SNOWE-MELLO<br>MITCHELL B | ONTP MAJ<br>OTP MIN     |                           |

LD 2432 proposed to allow judges to directly commit juveniles to private residential treatment facilities in lieu of incarceration and other dispositional alternatives when appropriate.

**Committee Amendment "A" (H-829)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 2439**

**An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners between Correctional Facilities and Courts**

**DIED ON  
ADJOURNMENT**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| SKOGLUND<br>PINGREE | OTP-AM                  | H-881                     |

LD 2439 proposed to relieve all counties from the expense and responsibility of transporting a client from a correctional facility to any court in the State.

**Committee Amendment "A" (H-881)** proposed to replace the bill and change the title. As proposed, the amendment would relieve the counties of the responsibility of transporting prisoners between a correctional

facility and a court when the transportation was in connection with the prosecution of the prisoner for a crime committed within a correctional facility. The amendment proposed to require the Department of Corrections to transport such prisoners. The amendment also proposed to add an appropriation section and a fiscal note.

**LD 2447**

**An Act to Amend the Maine Juvenile Code**

**PUBLIC 624**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| POVICH            | OTP-AM                  | H-885<br>S-591 MURRAY     |

Part A of LD 2447 proposed to do the following:

1. Expand the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except for juveniles being held in a jail or other secure adult-serving detention facility whose hearing must be held within 24 hours;
2. Eliminate the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Clarify that the general public may not be excluded from a juvenile proceeding for a minor juvenile crime if the juvenile has already been adjudicated of a juvenile crime of any severity other than a Class E crime;
4. Require that shock sentences for juveniles be served concurrently with any other period of detention previously imposed or imposed on the same date; and
5. Require the termination of the probation of a person on juvenile probation who is 18 years of age or older and who commits a probation violation consisting of criminal conduct so that the person may be dealt with exclusively by way of the adult criminal process.

Part B of LD 2447 proposed to change references from "juvenile caseworker" to "juvenile community corrections officer" and to make several other technical changes to ensure conformity and consistency in terms.

**Committee Amendment "A" (H-885)** proposed to do the following:

1. Clarify and update the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
2. Correct a provision regarding juvenile detention hearings to be consistent with the rest of the bill;
3. Add provisions that are needed for proper implementation of a juvenile drug treatment court program;
4. Strike the provision that would have amended access by the public to the juvenile proceedings;

5. Require that shock sentences be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date; and
6. Add a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-591)** proposed to incorporate changes made to the Maine Revised Statutes, Title 34-A, section 4102 in Public Law 1999, chapter 583. This amendment was presented on behalf of the Committee on Bills in the Second Reading.

***Enacted law summary***

Public Law 1999, chapter 624 does the following:

1. Expands the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except that hearings for juveniles being held in a jail or other secure adult-serving detention facility must be held within 24 hours;
2. Eliminates the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Requires that shock sentences for juveniles be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date;
4. Clarifies and updates the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
5. Adds provisions that are needed for proper implementation of a juvenile drug treatment court program; and
6. Changes references from "juvenile caseworker" to "juvenile community corrections officer" as well as makes several other technical changes to ensure conformity and consistency in terms.

**LD 2449**

**An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided**

**PUBLIC 653**

| <u>Sponsor(s)</u> | <u>Committee Report</u>        | <u>Amendments Adopted</u> |
|-------------------|--------------------------------|---------------------------|
| POVICH            | OTP-AM    MAJ<br>ONTP      MIN | H-828                     |

LD 2449 proposed to allow the State Police to provide services to private entities and persons and to charge for providing the services. The bill proposed to require that revenue collected for payment of services be allocated for the purpose of funding the cost of providing the services.

Current law allows the State Police to provide services and to seek reimbursement for those services from the Maine Turnpike, federal agencies and municipalities that lack an organized police department.

**Committee Amendment "A" (H-828)** was the majority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to clarify that the State Police may provide services for public safety purposes only to private entities and may charge for providing the services. The amendment proposed to require that the revenue collected be allocated for the purpose of funding the cost of providing the services. The amendment also proposed to require that the State Police, beginning in 2001, report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding these activities. The amendment proposed to repeal on July 30, 2002, the authority of the State Police to provide assistance to federal agencies, municipalities and private entities.

The amendment also proposed to add a fiscal note to the bill.

#### ***Enacted law summary***

Public Law 1999, chapter 653 authorizes the State Police to provide services for public safety purposes only to private entities. The State Police may be reimbursed for providing these services, and revenue collected must be allocated for the purpose of funding the cost of providing the services. Public Law 1999, chapter 653 requires the State Police to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and repeals the authority of the State Police to provide services to entities on July 30, 2002.

**LD 2455**                      **An Act to Provide Parity for Federal Drug Enforcement Agents in the State of Maine**                      **ONTP**

|                   |                         |                           |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| QUINT<br>RAND     | ONTP                    |                           |

LD 2455 proposed to expand the definition of "federal officer" to include agents of the federal Drug Enforcement Administration.

**LD 2466**                      **An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine**                      **PUBLIC 671**

|                   |                         |                           |
|-------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
| MCALEVEY          | OTP-AM                  | H-1031                    |

LD 2466 proposed to do the following:

1. Add definitions to clarify the regulation of fireworks and special-effect pyrotechnics;
2. Establish application procedures for obtaining a fireworks display permit;
3. Establish a mechanism for the Commissioner of Public Safety to deny or revoke a fireworks display permit;

4. Establish licensing qualifications, application procedures and fees for persons using or discharging fireworks and for persons assisting in the discharge of fireworks during a display;
5. Establish a mechanism for the Commissioner of Public Safety to deny, suspend or revoke a fireworks technician or fireworks technician assistant license; and
6. Authorize the Commissioner of Public Safety to adopt rules in accordance with the Maine Administrative Procedure Act for the use, storage, transportation and display of fireworks.

**Committee Amendment "A" (H-1031)** proposed to do the following:

1. Strike from the bill language defining "fireworks technician assistant" and outlining the licensing process for assistants;
2. Strike from the bill the requirement that an applicant for a fireworks technician license be a high school graduate;
3. Amend the experience requirements for an applicant for a fireworks technician license by requiring an applicant to have experience working under a fireworks technician in at least 5 shows;
4. Clarify the permitting, denial, suspension and revocation provisions regarding possession and display of fireworks; and
5. Add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 671 adds definitions to clarify the regulation of fireworks and special-effect pyrotechnics; establishes procedures for obtaining a fireworks display permit; and establishes grounds and procedures for revocation, suspension and denial of fireworks display permits and fireworks technician licenses.

**LD 2479**

**An Act to Enhance Public Safety By Updating the Laws Pertaining to Explosives and Flammable Liquids**

**PUBLIC 652**

Sponsor(s)  
MCALEVEY

Committee Report  
OTP-AM

Amendments Adopted  
H-986

LD 2479 proposed to amend the laws pertaining to explosives and flammable liquids in the following ways:

1. Correct cross-references in the Maine Revised Statutes;
2. Repeal an outdated law pertaining to smoking in certain buildings and public places;
3. Repeal an outdated reference to obtaining a search warrant for explosives;

4. Repeal an outdated law allowing a representative of the Commissioner of Public Safety to be reimbursed for mileage costs while escorting shipments of explosives over the road;
5. Repeal certain laws pertaining to gas-fueled appliances; and
6. Repeal the laws pertaining to the regulation of explosives and flammable liquids and enact new laws on this subject, including laws governing the procedure to obtain permits; grounds for revocation, suspension and denial of permits; qualifications for permittees; fees; and penalties.

**Committee Amendment "A" (H-986)** proposed to make the following changes:

1. Correct a cross-reference in the Maine Revised Statutes;
2. Clarify new provisions of law pertaining to the regulation of explosives and flammable liquids, including the permitting procedure; grounds for revocation, suspension and denial of permits; fees; and penalties;
3. Make Maine law consistent with federal law by specifying that permitting provisions in the Maine Revised Statutes, Title 25, chapter 318 do not apply to a person who possesses, uses, stores or transports within the State 50 pounds or less of smokeless powder or black powder or 10,000 or fewer primers; and
4. Add a fiscal note to the bill.

#### ***Enacted law summary***

Public Law 1999, chapter 652 amends the laws pertaining to explosives and flammable liquids in the following ways:

1. Clarifies new provisions of law pertaining to the regulation of explosives and flammable liquids, including the permitting procedure; grounds for revocation, suspension and denial of permits; fees; and penalties;
2. Makes Maine law consistent with federal law by specifying that permitting provisions in the Maine Revised Statutes, Title 25, chapter 318 do not apply to a person who possesses, uses, stores or transports within the State 50 pounds or less of smokeless powder or black powder or 10,000 or fewer primers;
3. Repeals an outdated law pertaining to smoking in certain buildings and public places;
4. Repeals an outdated reference to obtaining a search warrant for explosives;
5. Repeals an outdated law allowing a representative of the Commissioner of Public Safety to be reimbursed for mileage costs while escorting shipments of explosives over the road;
6. Repeals certain laws pertaining to gas-fueled appliances; and
7. Corrects cross-references in the Maine Revised Statutes.



| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SAXL M            | OTP-AM MAJ              |                           |
| PINGREE           | ONTP MIN                |                           |

LD 2484 proposed to prohibit the issuance of a concealed firearms permit to a person who has been the subject of a permanent protection from abuse order within 2 years of the date of the application.

Under current law, a person is prohibited from owning or possessing a firearm if that person is the subject of an order that restrains that person from harassing, stalking or threatening an intimate partner or child of that partner, except that this prohibition applies only to a court order issued after a hearing for which that person received notice and had a chance to participate and that includes a finding that the person represents a credible threat to the physical safety of the partner or child or the order explicitly prohibits the use or threat of physical force against the partner or child that would be expected to cause bodily injury.

**Committee Amendment "A" (H-922)** proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to prohibit the issuance of a concealed firearms permit to a person who is the subject of a protective order and specify that the person cannot apply to receive a concealed firearms permit until at least 2 years after the person is no longer the subject of the protective order. As proposed, if a concealed firearms permit holder became the subject of a protective order, that person's permit would be revoked and that person could not reapply for a permit for at least 2 years after the person was no longer the subject of the protective order. The amendment also proposed to add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-958)** proposed to allow a resident of another state who holds a permit to carry a concealed firearm or who otherwise has the legal right to carry a concealed firearm to carry a concealed firearm in this State without obtaining a permit in this State.

This amendment was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-960)** proposed to remove from current law the requirement that a person obtain a permit to carry a concealed firearm. The amendment proposed that a person may carry a concealed firearm unless that person has been convicted of certain crimes or carries the firearm with the intent or declared purpose of injuring another person, except in self-defense, or with the intent or declared purpose of committing a crime, which is similar to Vermont law. This amendment proposed to retain the intent of Committee Amendment "A" by prohibiting a person who is the subject of a protective order from carrying a concealed weapon for at least 2 years after the person is no longer the subject of the protective order. This amendment also proposed to repeal the provision of law that declares possession of a loaded firearm on or within 10 feet of a paved way to be evidence of hunting.

This amendment was not adopted.

**House Amendment "C" to Committee Amendment "A" (H-961)** proposed to allow an applicant for a concealed firearms permit to appeal a denial of that permit to the Chief of the State Police. The amendment

proposed that the chief make a decision on the permit within 21 days of receipt of the appeal; otherwise, the permit must be granted. This amendment was not adopted.

**House Amendment "D" to Committee Amendment "A" (H-974)** proposed to provide that an application for a concealed firearms permit submitted by a person who obtains a protective order must be granted or denied within 3 business days. This amendment was not adopted.

**House Amendment "E" to Committee Amendment "A" (H-985)** proposed to retain the provisions of Committee Amendment "A" but require that Committee Amendment "A" apply only to a person who is the subject of a protective order that has been issued after there has been a finding that the person actually committed an act involving domestic abuse. This amendment was not adopted.

**House Amendment "F" to Committee Amendment "A" (H-987)** proposed to change Committee Amendment "A" in the following ways:

1. Mirror current law regarding the possession of a firearm to require the revocation of a concealed firearms permit or prohibit the person from applying for a concealed firearms permit if the person is the subject of a protective order that was issued after a hearing for which the person received actual notice and at which the person had the opportunity to participate and that:
  - A. Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or child; or
  - B. By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury; and
2. Allow a person who has been the subject of such a protective order to apply or reapply for a concealed firearms permit as soon as the protective order lapses. This amendment was not adopted.

**House Amendment "G" to Committee Amendment "A" (H-1009)**, in addition to the provisions of Committee Amendment "A," proposed to allow a person who obtains a protective order to obtain a concealed firearms permit as long as that person:

1. Is at least 18 years of age;
2. Has not been convicted of a crime that is punishable by a year or more imprisonment;
3. Has not been convicted of a crime that involved use of a dangerous weapon or firearm against another person; or
4. Is not prohibited from obtaining a concealed firearms permit because the person is the subject of a protective order.

The amendment proposed that the issuing authority make a decision regarding the issuance of the permit within 48 hours of receipt of a written application, and, if the issuing authority failed to make a decision, the application would be granted. This amendment was not adopted.

**LD 2494**

**Resolve, to Create a Commission to Study the Regulation of  
Firearms in Maine**

**DIED IN  
CONCURRENCE**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE              | ONTP MAJ                |                           |
| RAND              | OTP-AM MIN              |                           |

LD 2494 proposed to hold public hearings to receive testimony from the public regarding the effectiveness of Maine's laws in reducing the regulation of gun-related violence. The resolve proposed to direct the commission to file a report, including recommendations from the public, for proposed legislation by December 31, 2000.

**Committee Amendment "A" (H-923)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a 15-member study commission to review existing federal and state laws regarding the manufacture, sale, possession and use of handguns; to identify barriers to enforcement of those laws in Maine; to propose changes to those laws if necessary; to use the principles of responsible gun ownership to identify methods to improve safety and protect citizens from unintended, as well as intended, injury; and to identify effective handgun-related educational programs that prevent misuse and abuse of handguns for all age groups and identify a sustainable funding source to ensure that these programs are available to all. The amendment proposed to require that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by November 1, 2000. The amendment also proposed to add an appropriation and a fiscal note.

**LD 2531**

**An Act to Institute a System of Parole for Certain Maine Criminal  
Code Prisoners**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SKOGLUND          | ONTP                    |                           |
| DOUGLASS          |                         |                           |

LD 2531 proposed to permit the State Parole Board to grant parole to a person who was sentenced to a term of imprisonment of at least 2 years on or after the effective date of this bill if that person served at least 1/2 of the sentence and there was a reasonable probability that that person would live and remain at liberty without violating the law and that release was not incompatible with the welfare of society. The amendment proposed that the person seeking parole must demonstrate that that person has available a safe and secure lodging, a job providing regular and constant income and the support of several law-abiding citizens of the community. The amendment proposed that a crime victim may appear before the board or submit a statement concerning whether a person should be released on parole or about the nature of any terms or conditions to be imposed upon such release. The amendment proposed that the board may release on medical parole a person serving a sentence of imprisonment, except a person convicted of a formerly capital offense, if that person has been diagnosed as suffering from a terminal condition, disease or syndrome and is so debilitated or incapacitated by such condition, disease or syndrome as to be physically incapable of presenting a danger to society.

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PINGREE           | ONTP      MAJ           |                           |
| ROWE              | OTP-AM    MIN           |                           |

LD 2573 proposed to make it a Class C crime to sell handguns in Maine to anyone under 21 years of age. As proposed, handguns are firearms, as defined in Title 17-A, §2, that have a barrel of less than 15 inches.

Current state law, Title 17-A, §554-A, prohibits a person from knowingly transferring a firearm to another person under 16 years of age unless the actor is the parent, foster parent or guardian of the minor. Unlawful transfer of a firearm to a minor is a Class D crime.

Current federal law prohibits a licensed firearms dealer from selling a handgun or handgun ammunition to a person under 21 years of age and prohibits any individual from selling a handgun or handgun ammunition to a person under 18 years of age.

**Committee Amendment "A" (S-611)** proposed to change the title, replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to reflect current federal law regarding the transfer of handguns to minors, including exceptions to prohibitions. Specifically, the amendment proposed to do the following:

1. Prohibit a person from transferring a handgun or ammunition that is suitable for use only in a handgun to persons less than 18 years of age;
2. Prohibit federally licensed firearm importers, manufacturers, dealers or collectors from selling or delivering a handgun or ammunition that is suitable only for use in a handgun to persons less than 21 years of age;
3. Make these violations Class D crimes; and
4. Add a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-653)** proposed to clarify that a handgun may be transferred to a minor with written consent of the minor's parent or guardian or for employment, target practice, hunting or instructions. This amendment also proposed to remove the provisions of Committee Amendment "A" specifying how the minor must transport the handgun.

**LD 2575**

**An Act to Restore the Chaplaincy in the Maine Correctional Center  
in South Windham**

**INDEF PP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCKEE<br>KONTOS   | OTP                     |                           |

LD 2575 proposed to appropriate funds to reestablish a chaplain position for the Maine Correctional Center at South Windham.

**House Amendment "A" (H-1167)** proposed to replace the appropriation section of the bill.

**LD 2612**

**An Act to Adopt a New Interstate Compact Regarding Adults Who  
are on Probation or Parole**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MUSE              | ONTP MAJ<br>OTP-AM MIN  |                           |

LD 2612 proposed to create the Interstate Compact for Adult Offender Supervision.

**Committee Amendment "A" (H-946)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 2628**

**Resolve, Regarding Legislative Review of Chapter 6: Certification  
of Law Enforcement Officers, a Major Substantive Rule of the  
Maine Criminal Justice Academy**

**RESOLVE 103**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
|                   | OTP-AM                  | H-943                     |

LD 2628 proposed to provide for legislative review of Chapter 6: Certification of Law Enforcement Officers, a major substantive rule of the Maine Criminal Justice Academy.

**Committee Amendment "A" (H-943)** proposed to replace the resolve. The amendment proposed to specify that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, was not authorized.

***Enacted law summary***

Resolve 1999, chapter 103 specifies that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, is not authorized.

**LD 2651**

**Resolve, to Establish the Commission to Study Domestic Violence**

**RESOLVE 126  
EMERGENCY**

| <u>Sponsor(s)</u>      | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| MCALEVEY<br>MITCHELL B | OTP-AM                  | H-1017<br>S-779 MICHAUD   |

LD 2651 proposed to establish the Commission to Study Domestic Violence and to require the commission to study the problem of domestic violence and to determine methods of alleviating this problem through: better communication among the courts, law enforcement and other government agencies; stricter bail and probation conditions; education in elementary and secondary schools; and improved procedures for domestic violence cases from investigation to sentencing. The bill proposed to require the commission to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th Legislature.

**Committee Amendment "A" (H-1017)** proposed to change the membership to include one Senate member and one House member who serve on the Joint Standing Committee on Judiciary. The amendment proposed to clarify that the member who is a clerk works in the District Court. The amendment also proposed to add a survivor of domestic violence and the chair of the Maine Association of Batterers Intervention Programs and to replace the Commissioner of Public Safety with the Chief of the State Police. The amendment proposed to clarify that legislative members serve only while Legislators, and if necessary, the presiding officers appoint new legislative members.

The amendment proposed to narrow the commission's duties by eliminating those duties related to education and sentencing.

The amendment also proposed to add a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-779)** proposed to replace Committee Amendment "A" (H-1017). The amendment proposed to keep provisions in Committee Amendment "A" (H-1017) and to add the Commissioner of Human Services or the commissioner's designee to the membership of the commission and to require the President of the Senate and the Speaker of the House to give preference to members of the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Judiciary when making appointments to the commission.

#### ***Enacted law summary***

Resolve 1999, chapter 126 establishes the Commission to Study Domestic Violence. The commission's duties include determining methods to: alleviate domestic violence through better communication among the courts, law enforcement and other government agencies; create stricter bail and probation conditions; and provide improved procedures for the investigation and prosecution of domestic violence cases. The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th

Legislature, and that committee may submit a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations.

Resolve 1999, chapter 126 was finally passed as an emergency measure effective May 8, 2000.

**LD 2672**

**An Act to Amend the Unlawful Sexual Contact Penalties**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LEMONT            | ONTP MAJ                |                           |
| RUHLIN            | OTP-AM MIN              |                           |

LD 2672 proposed to make unlawful sexual contact with a person under 12 years of age a Class C crime.

**Committee Amendment "A" (H-1101)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a mandatory sentencing alternative of 5 years of imprisonment, of which none may be suspended, for a violation of the unlawful sexual contact statute if: the victim, who is not the actor's spouse, has not in fact attained the age of 14 years of age and the actor is at least 3 years older; the victim has not in fact attained 18 years of age and the actor is a parent, guardian or person responsible for the long-term care of that other person; or the victim submits as a result of compulsion. The amendment also proposed to add a fiscal note. This amendment was not adopted.

**LD 2673**

**An Act to Implement the Recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims**

**PUBLIC 719  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
|                   |                         | S-674 MICHAUD             |

LD 2673 was proposed pursuant to Resolve 1999, chapter 84 by the Joint Standing Committee on Criminal Justice to implement the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. The bill proposed to outline the responsibilities of the Victims' Compensation Board, hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

**Senate Amendment "A" (S-674)** proposed to remove the appropriation from the General Fund and the allocation from the Highway Fund to the Bureau of State Police that provided funding for the costs of providing forensic examination kits to hospitals and health care practitioners.

***Enacted law summary***

Public Law 1999, chapter 719 implements the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims, which was established pursuant to Resolve 1999, chapter 84. The legislation was submitted by the Joint Standing Committee on Criminal Justice. Public Law 1999, Chapter 719 outlines the responsibilities of the Victims' Compensation Board,

hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Public Law 1999, chapter 719 requires the Victims' Compensation Board to pay for all forensic examinations conducted on or after November 1, 2000 from the Victims' Compensation Fund and to track expenditures for forensic examinations separately. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. Forensic examination payments are not subject to any other provision of the victims' compensation program and are not considered payments to victims for purposes of the cap.

Public Law 1999, chapter 719 directs the Department of Public Safety to determine by rule what a standardized forensic examination kit includes and to furnish the kits to hospitals and health care practitioners who perform forensic examinations of alleged victims of gross sexual assault.

A hospital or health care practitioner that completes a forensic examination shall bill the Victims' Compensation Board directly for payment. The board shall pay the hospital or health care practitioner the actual costs of the examination up to a maximum of \$500. Hospitals and health care practitioners performing forensic examinations shall use uniform kits developed and furnished by the Department of Public Safety. A victim is not required to report the alleged offense to law enforcement in order for the board to pay for the examination. If an alleged victim of gross sexual assault has a forensic examination but has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility and shall store the kit for at least 90 days from the time of receipt. If the victim reports the offense during the 90 days, the victim may contact the hospital or health care practitioner to determine the tracking number and which law enforcement agency is storing the kit. The law enforcement agency then shall transport the kit to the Maine State Police Crime Laboratory. If the victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall transport the kit directly to the Maine State Police Crime Laboratory.

Public Law 1999, chapter 719 also requires district attorneys to pay the expense of the analysis of a drug or alcohol test performed as part of the forensic examination to obtain evidence for the prosecution.

Public Law 1999, chapter 719 was enacted as an emergency measure effective April 14, 2000, in order to give the Victims' Compensation Board and the Department of Public Safety time to adopt the rules required under this Act and so that payment for all forensic examinations for alleged victims of gross sexual assault conducted on or after November 1, 2000 will be made by the Victims' Compensation Board.

**LD 2685**

**An Act to Implement the Recommendations of the Commission to  
Consider the Enhancement of Fire Protection Services Throughout  
the State**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted



Pursuant to Resolve 1999, chapter 65, the Criminal Justice Committee submitted LD 2685 to implement the recommendations of the Commission to Study the Enhancement of Fire Protection Services Throughout the State. This bill proposed to do the following:

1. Establish the Maine Fire Protection Services Commission, whose duties include assessing the fire protection service system and firefighter training needs in the State and reporting and recommending potential changes to the Legislature and the executive;
2. Appropriate one-time funds to the Maine Fire Protection Services Commission to allow for the investigation of options to provide a health insurance bridge for retired career firefighters and a length-of-service incentive program for volunteer firefighters;
3. Establish the Maine Firefighters Training Fund, which annually would provide \$100 per qualified firefighter for training. The Maine Firefighters Training Fund would be administered by the Maine Fire Training and Education Program under rules adopted by the Maine Fire Protection Services Commission;
4. Establish a \$50,000 death benefit administered by the State Fire Marshal for firefighters and emergency medical services persons who die in the line of duty;
5. Appropriate funds to implement the firefighter training component of the strategic plan of the Maine Fire Training and Education Program; and
6. Appropriate funds to create 3.5 new positions in the Office of the State Fire Marshal for the purpose of completing inspections.

Although this bill was indefinitely postponed, the Maine Fire Protection Services Commission and the firefighter training component of the strategic plan of the Maine Fire Training and Education Program were enacted in Public Law 1999, chapter 731, Part AAAA, An Act to Make Supplemental Appropriations and Allocations For the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001.

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